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NEW CHALLENGES IN INTERNATIONAL HUMANITARIAN LAW

Canadian Red Cross
International Services
June 4, 1997
Ottawa
-Report on the Conference-

Canadian Red Cross, International Services

Report on the Conference

"New Challenges in International Humanitarian Law"

June 4, 1997, Ottawa

SPONSORED BY:

1. The Canadian Red Cross, International Services
2. The Department of Foreign Affairs & International Trade, Legal & Consular Affairs Branch
3. The University of Ottawa, Faculty of Law, Civil Law Section

LOCATION AND TIME:

The Conference took place in the Cadieux Auditorium, Department of Foreign Affairs & International Trade (DFAIT), Lester B. Pearson Building, 125 Sussex Drive, Ottawa, from 9 a.m. to 4 p.m.

Following the Conference, a **reception** was hosted by DFAIT. The International Services of the Canadian Red Cross hosted a **dinner** at the Château Laurier for speakers and panelists.

OBJECTIVES:

1. Exposing participants to the basic rules and concepts of International Humanitarian Law and the international role of Red Cross in assisting victims of conflicts.

2. Examining the impact of internal conflicts on respect for IHL and the victims of conflict.

3. Encouraging participants to promote respect for and compliance with the rules of IHL.

AUDIENCE / PARTICIPANTS:

1. The conference was expressly designed for the **diplomatic community in Canada** with the aim of giving them an overview of IHL and helping them to understand the responsibilities of States under IHL.

   The goal was to influence them to promote respect for IHL in an immediate sense for conflicts now being fought (especially internal conflicts) and possibly in the future, when they return to their capitals and may be in key policy and decision-making positions. In the future they may face internal conflicts in their own countries or in neighboring countries and could be in a position to actually save lives through compliance with IHL. **The conference organizers would like them to convey to their governments the idea that IHL is a strong humanitarian tool and should be actively supported.**

2. A message such as this - to promote respect for IHL in order to save lives and limit suffering in conflicts - that comes from the unified stance of the three co-sponsors should have a powerful affect on participants.

3. More than 85 representatives attended from the various missions, embassies and high commissions in Ottawa or accredited to Canada.

4. In addition, a smaller number of representatives from the Department of Foreign Affairs and International Trade, CIDA, Department of National Defence, Red Cross, the University of Ottawa and other institutions have attended. Approximately 45 people attended in this category.

5. **More than 130 persons have attended the Conference all together.**

PROGRAM:

The program concentrated on the basics of IHL, the role of the Red Cross in conflicts, the dangerous phenomenon of internal conflicts in which combatants are not under state control and do not respect the rules of IHL.

The Conference brought together the diplomatic community, government representatives, non-governmental organizations and university representatives and examined three related issues in the broader context of International Humanitarian Law (IHL):

a. ***The primary goal of IHL to limit suffering caused by conflict and to provide protection to vulnerable groups***
b. ***The special role of Red Cross in conflicts***
c. ***The crisis in IHL created by internal conflicts (case studies and first-hand perspectives)***

The aim of International Humanitarian Law is to limit the suffering caused by war and to guarantee assistance and protection to specific vulnerable groups, such as wounded combatants, prisoners of war, civilians, military medical personnel and field personnel of humanitarian organizations.

The international rules of war contained in IHL are primarily based on the Geneva Conventions of 1949 and the Additional Protocols of 1977. One hundred eighty-eight countries have signed the Geneva Conventions, of which 147 have signed the First Protocol and 139 the Second Protocol, making them the most widely adopted treaties in history.

Participants had the opportunity to consider the **responsibilities of States under IHL and the changing nature of conflict in the modern world**. In this sense, internal conflicts have now become a major cause of humanitarian crises. Combatants in such conflicts often do not follow the rules of war as set out in IHL and as a result much needless suffering occurs. While public attention is drawn to only several of these violent conflicts at any given time, there are scores of such conflicts in the world today. Every state in the world and every international organization is to some degree affected by the growing phenomenon of internal conflicts.

For additional information on the program, please refer to attached documents.

CONCLUDING REMARKS:

The concluding remarks were presented by Lieutenant-Colonel Kim Carter from the Department of National Defence, and Mrs. Nadia Senyk, Corporate Secretary & General Counsel, from the Canadian Red Cross.

Problems and reasons for IHL to be observed were well defined with the following points:

- **Education** of IHL is essential. However, priority needs to be given to training in times of peace rather than rely on tracking conflicts. **Dissemination of IHL**

should be done as a preventive measure, not only when conflicts have aroused. This would make it possible to move forward in a more productive way.

- **IHL needs to be respected at all times and in all circumstances**. However, having the knowledge of the Fundamental Principles of IHL is not enough. It must become **integrated** in the deepest roots of people's life. We need to move beyond the text of law and have it **assimilated** by societies.

- **An improve healthy respectful practical cooperation** between communities, organizations, States is required. All parties should be involved. We need to put the human imperative first in order to achieve this.

- **Responsibilities of the States** will need to be further discussed.

- As Mrs. Senyk underlined, it is important for the members of the **diplomatic community** to be made aware of the need to 1) educate 2) create humanitarian space 3) address its responsibility to Article I. Many benefits exist for governments to promote IHL such as limiting the sufferings, lower costs of reconstruction and rehabilitation after conflicts.

In general, there is no clear simple solution. We need to work together at all levels and realize that this is just the beginning of a long process. The audience nevertheless demonstrated a commitment on the part of governments to support IHL.

RESULTS FROM EVALUATION FORMS:

A total of 31 evaluation forms have been received.

1. Did the Conference meet your expectations or needs?

11- Entirely; 17- Well; 2- Partly

In general, most people felt that the conference met well their expectations or needs. Many comments are available. Refer to quotes attached.

2. Follow-up

A. Would you like to have more information on IHL?

Most people felt that a good selection of documents was available. They are interested nevertheless in having other documents regarding IHL in the future. The video compilation was successful.

B. If "yes", what type of follow-up support from the Red Cross on these topics would you prefer to have:

Written materials, seminars, presentations, books, and workshops are all appreciated.

"New Challenges in International Humanitarian Law"
"Les nouveaux défis de droit international humanitaire"
Ottawa, June 4, 1997

Quotes from Audience:
Citations des participants :

"Congratulations on a splendid initiative.
Education is the key to develop a real sense of IHL"

"Its people covered a wide range of IHL and related subjects"

"My sense is that one of the main objective and "worth" of the conference is not necessarily to "advance the debates", but rather to "educate the audience". This was accomplished on both fronts.
My only regret is that the members of the diplomatic community present
were not more present as the day went on."

"Quality of presentations was superb. Choice of issues/topics/panels also excellent."

"Nadia Senyk's conclusions were very pertinent as concluding remarks and it is important for the members of the diplomatic community to be made aware of the need to
1) educate 2) create humanitarian space 3) address its responsibility to Article I."

"Justice is a male phenomenon.
The all-male panels illustrate this. Women panelists would bring a welcome balance. However, it was appropriate and appreciated that the closing remarks were given by two women."

"IHL is only one component of a larger problem of security/safety for aid workers. Somewhere IHL must be married up with the other sub-disciplines re. Professionalization of aid workers, intelligence, academia, media, educators, etc.; dissemination of IHL through multiple sources-aid workers,
development workers, business and artistic community, HR, etc.;
but it must all be done in a coherent and coordinated manner."

"Problem were well defined. Recognizing that solutions are very difficult it would have been interesting to have heard a proposal which might have engendered more debate."

"Pour autant qu'on planifie un suivi car des incertitudes de conception, d'approche, de terminologie... demeurent. Après le cadre "légaliste" avoir plus d'exemples de terrain pour construire des "mesures de conformité d'exécution" du DIH."

"Could have used a little gender diversity in the resource people."

"L'étude de cas concrets (Rwanda, Palestine, Bosnie-Herzégovine, etc.)
aurait permis d'illuster davantage les exposés."

"La Conférence a entièrement répondu aux attentes concernant les conflits d'ordre interne ou international, mais n'a pas "pas du tout" parlé de cataclysmes naturels où les actions faites et prévues ne sont que "partiellement" satisfaisantes = on aurait dû en parler pour améliorer les choses."

"Good selection of documents available at the Conference."